

*Before the Federal Communications Commission  
Washington, D.C. 20554*

In the Matter of:	)	
	)	
Advanced Television Services and	)	MB Docket No. 87-268
Their Impact upon the Existing	)	
Television Broadcast Service	)	

Directed to: The Commission

**COMMENTS**

Mid State Television, Inc. ("Mid State"), licensee of WMFD-TV and permittee of WMFD-DT, Facility ID No. 41893, Mansfield, Ohio, by its attorneys, hereby respectfully submits its Comments in response to the Commission's *Seventh Further Notice of Proposed Rule Making*, FCC 06-150, released October 20, 2006 ("*SFNPRM*"). With respect thereto, the following is stated:

1. WMFD-TV is licensed to operate on analog Channel 68, and WMFD-DT is licensed to operate on DTV channel 12. The proposed Digital Television ("DTV") Table of Allotments attached to the *SFNPRM* correctly lists these channels but, due to an apparent oversight, includes outdated technical specifications for the WMFD-DT operation. Accordingly, Mid State is submitting these comments to obtain a correction of the specified technical parameters for WMFD-DT as set forth herein.

2. WMFD-DT began full-power DTV operation quite early in the transition period. It probably was the first independent station to start DTV broadcasts, and was at least among the very first. WMFD-DT filed an application for license to cover its construction permit for full-power facilities on March 1, 1999. Since that time, WMFD-DT has been seeking to improve its

DTV facilities to provide better service to the public. In furtherance of that effort, the station previously was granted a construction permit and a covering license application for improved facilities, but it continued to seek to optimize the station's facilities.

3. When WMFD-TV filed its Pre-Election Certification Form (File No. BCERCT-20041103ACK), it certified that it will operate its post-transition facilities pursuant to a pending DTV application for maximized facilities that had not yet been authorized due to international co-ordination issues, and it provided the file number of its then-pending application, File No. BPCDT-20040526ABT. That application was subsequently granted on July 15, 2005, after having been amended to resolve the international co-ordination issues that were pending at the time of the pre-election certification. The draft Table of Allotments, however, lists the facilities initially set forth in the application rather than the facilities actually approved in the grant of the construction permit for modification of facilities.

4. An issue arises due to the fact that the licensee cannot construct the facilities set forth in the draft Table of Allotments. Aside from the fact that these facilities are not authorized by the construction permit, the application had been amended due to Canadian objections to the application as initially filed because of interference issues with regard to a modified Canadian DTV allotment. Therefore, international co-ordination considerations, as flagged by Mid State in its pre-election certification as a potential issue, absolutely preclude the construction of the facilities listed in the draft Table of Allotments.

5. As indicated by the file number, the WMFD-DT modification application was filed on May 26, 2004. At that time, the licensee believed the application to be in compliance with all technical requirements, including international requirements, nor was there any publicly available

information to the contrary. It was aware, however, that Canadian co-ordination would be required due to the station's proximity to the Canadian border. Accordingly, at the time of the filing of the Pre-Election Certification, the licensee indicated that it intended to operate with the facilities specified in its then-pending modification application, but that the application remained subject to international co-ordination.

6. Subsequently, in January 2005, the licensee learned for the first time of a problem with the facilities specified due to an amendment to the Letter of Understanding between Canada and the United States with regard to digital television broadcasting. This amendment included a change in a vacant DTV allotment at Chatham, Ontario from Channel 63 to Channel 12, co-channel with WMFD-DT. While the text of the document was finalized in March 2003, the amendment was not signed or made available to the public until October 2004, nor was the change in channel referenced in the Commission's database. Thus, there was no way for the licensee to have learned of the change prior to the time of filing its application.

7. After learning of this difficulty, the licensee entered into substantial discussions with the Commission's International Branch and Media Bureau, and it engaged a Canadian consultant to confer with and negotiate with Industry Canada a resolution of the engineering issues raised. At the conclusion of this process, WMFD-DT's consulting engineer was able to develop a revised engineering proposal acceptable to all parties. Included among the revisions were a new directional pattern, a different antenna, and a slight increase in effective radiated power from 13 kW to 14 kW. Thereafter, with Canadian concurrence, the application as amended was granted.

8. The technical specifications set forth in the draft Table of Allotments, however, do not reflect the facilities authorized by the construction permit as granted. The Pre-Election

Certification specifically listed the file number of the then-pending application, and it is that same file number that is associated with the granted construction permit. Moreover, the Pre-Election Certification noted that the application remained subject to international co-ordination, and it was therefore clear that the application might be subject to revision. As it turned out, the only technical changes that were made to the application subsequent to the certification were in fact made as a result of international co-ordination. Here, the technical revisions were not initiated by the licensee, but rather were made solely in response to Canadian objections with regard to potential interference. Furthermore, the licensee could not have anticipated such Canadian objections due to the fact that the amendment to the Letter of Understanding that created the interference issue was neither signed nor made available to the public until substantially after the WMFD-DT modification application was filed.

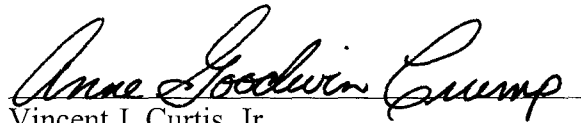
9. In light of all of these circumstances, it is clear that the technical specifications in the draft Table of Allotments should be those of the granted modification construction permit for WMFD-DT.

WHEREFORE, the premises considered, Mid State hereby requests that the technical specifications for WMFD-DT in the DTV Table of Allotments be revised to those contained in the modification construction permit for WMFD-DT.

Respectfully submitted,

MID STATE TELEVISION, INC.

By:

A handwritten signature in cursive script, appearing to read "Anne Goodwin Crump", written over a horizontal line.

Vincent J. Curtis, Jr.  
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